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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/322, 792      05/28/99      SOULE

L      071288.0016

MARK D GIARRATANA  
CUMMINGS & LOCKWOOD  
GRANITE SQUARE  
700 STATES STREET P O BOX 1960  
NEW HAVEN CT 06509-1960

QM02/0623

EXAMINER

D HANLON, S

ART UNIT

PAPER NUMBER

3752

DATE MAILED:

06/23/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/322,792</b>	Applicant(s) <b>Soule et al</b>
	Examiner <b>Sean O'Hanlon</b>	Group Art Unit <b>3752</b>

Responsive to communication(s) filed on 5 Jun 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 1-18, 23-25, and 27 is/are allowed.

Claim(s) 19-22 and 26 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on 28 May 1999 is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3752

## **DETAILED ACTION**

### ***Amendment***

1. Receipt of applicants' amendment filed June 5, 2000 is acknowledged. Said amendment has been placed in the file as paper 6.

### ***Terminal Disclaimer***

2. Receipt of applicants' terminal disclaimer filed June 5, 2000 is acknowledged. Said terminal disclaimer has been placed in the file as paper 7.

### ***Drawings***

3. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
4. See the notice of draftperson's drawing review, form PTO 948, included with a previous Office action.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 19-22 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 is rejected because it is not clear whether “at least one carrier” in line 2 of the claim refers to the same carrier claimed in claim 14 or a new carrier. The claim is further rejected because it is not clear to which carrier “the carrier” in line 2 of the claim refers. Claims 20-22 are rejected for depending on, and incorporating the limitations of, rejected claim 19.

Claim 26 is rejected because the claim is a dependent claim that depends on itself, rendering the scope unclear.

***Allowable Subject Matter***

7. Claims 1-18, 23-25, and 27 are allowed.

8. Claims 19-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication should be directed to Sean O'Hanlon whose telephone number is (703) 305-0056. The examiner can normally be reached Monday - Thursday from 6:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andres Kashnikow, can be reached on (703) 308-1137.



ANDRES KASHNIKOW  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

SPO

6/23/00

Sean P. O'Hanlon

June 22, 2000